

Message Text

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ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 CIAE-00 PM-04 H-02 INR-07

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

ACDA-07 AID-05 EB-07 IGA-02 MC-02 OMB-01 TRSE-00 /083 R

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P 262222Z AUG 76

FM SECSTATE WASHDC

TO AMEMBASSY ATHENS PRIORITY

INFO SECDEF PRIORITY

C O N F I D E N T I A L STATE 212609

E.O. 11652: GDS

TAGS: MARR, MASS, GR

SUBJECT: MAP ELIGIBILITY

REF: A. ATHENS 5468 DTG 021520Z JUN 76

B. ATHENS 6588 DTG 301510Z JUN 76

C. ATHENS 6672 DTG 021055Z JUL 76

D. ATHENS 8746

1. FOLLOWING WAS IN PREPARATION WHEN REF D RECEIVED
AND IS TRANSMITTED FOR EMBASSY'S INFO. RESPONSE TO
REF D HAS BEEN SENT BY SEPTTEL.

2. WE AGREE THAT JUSMAGG PERSONNEL, WHO ARE PRESENT
IN GREECE TO CARRY OUT PROGRAMS TO BENEFIT GOG, SHOULD
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CONTINUE TO OPERATE AS PART OF EMBASSY WITH ATTENDANCE
PRIVILEGES AND IMMUNITIES, AND THAT GREEKS SHOULD BE
PRESSED ON THIS POINT IN LIGHT OF THEIR AWARENESS THAT
FAILURE TO REACH TIMELY AGREEMENT LIKELY TO RESULT IN

LOSS OF MUCH IF NOT ALL OF MAP PROGRAMMED FOR FY 1976/TQ PERIOD.

3. WE HAVE FOLLOWING COMMENTS ON OTHER ASPECTS OF GREEK COUNTERDRAFT, KEYED TO LETTERED SUBPARAS OF PARA 3. REF (B):

-- A. CAN ACCEPT INASMUCH AS GREEK LEGAL OBLIGATIONS TO US DERIVE FROM AGREEMENT, NOT FROM UNITED STATES LAW.

-- B. CAN ACCEPT.

-- C. GREEK COUNTERDRAFT UNACCEPTABLE INSOFAR AS IT WOULD EXEMPT MAP MATERIEL FURNISHED PRIOR TO DATE OF AGREEMENT. YOU SHOULD INFORM GREEKS THAT USG UNDER ITS LAW, HAS NO RPT NO FLEXIBILITY IN THIS RESPECT. FOR SAME REASONS WORDS QUOTE TO BE UNQUOTE IMMEDIATELY BEFORE WORD QUOTE RECEIVED UNQUOTE IN GREEK DRAFT NOT ACCEPTABLE. FYI. WE COULD ACCEPT DELETION OF PHRASE QUOTE HERETOFORE OR HEREAFTER UNQUOTE IN PARA 1D OF US DRAFT IF PREFERABLE OPTICALLY SO LONG AS GREEKS UNDERSTAND THAT PARAGRAPH APPLICABLE TO ANY MAP DEFENSE ARTICLES REGARDLESS OF WHEN FURNISHED. END FYI

-- D. GREEK DRAFT NOT ACCEPTABLE IF INTENDED TO ALTER SUBSTANCE OF US DRAFT ON THIS POINT. GREEK AGREEMENT TO OBSERVATION, REVIEW, AND INFORMATION PROVISIONS SPECIFIED BY STATUTE AS CONDITION OF MAP ELIGIBILITY AND ACCORDINGLY WE HAVE NO FLEXIBILITY TO DEPART FROM SUBSTANCE OF REQUIREMENT.

-- E. SEE PARA 1 ABOVE.

-- F. CONCUR IN EMBASSY VIEW. WHILE WE WOULD PREFER NO PROVISION IN THIS REGARD WE COULD ACCEPT PROVISION SPECIFICALLY SUPERSEDING 1947 AGREEMENT.
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4. A FURTHER PROBLEM HAS ARISEN IN THAT THE FY 1976/ 1977 SECURITY ASSISTANCE AUTHORIZING LEGISLATION HAS AMENDED SECTION 505(A), CONCERNING CONDITIONS OF MAP ELIGIBILITY, SO AS TO MAKE EXISTING LIMITATIONS ON USE AND TRANSFER OF MAP DEFENSE ARTICLES APPLICABLE AS WELL TO QUOTE RELATED TRAINING AND OTHER DEFENSE SERVICES UNQUOTE. THE RESULT OF THIS NEW PROVISION, EFFECTIVE JULY 1, 1976, IS THAT WE MUST OBTAIN GOG AGREEMENT THAT GOG WILL, INTER ALIA, USE SUCH TRAINING AND SERVICES ONLY FOR PURPOSES FOR WHICH FURNISHED, WILL MAINTAIN SECURITY OF SUCH TRAINING AND SERVICES, AND WILL NOT TRANSFER SUCH TRAINING AND SERVICES TO

THIRD PARTIES WITHOUT PRIOR USG CONSENT. WE REGRET HAVING TO INSERT YET ANOTHER NEW ELEMENT INTO THE NEGOTIATIONS, BUT NEW STATUTE LEAVES US WITH NO ALTERNATIVE.

5. NEW REQUIREMENT COULD BE SATISFIED BY CHANGES TO DRAFT NOW UNDERGOING NEGOTIATION, EXPLAINING NEED TO DO SO TO GREEK REPS DRAWING ON PARAS 5 AND 6 BELOW. THE AFFECTED PARTS OF THE TEXT WOULD READ AS FOLLOWS (BASED ON GREEK COUNTERDRAFT EXCEPT AS OTHERWISE NOTED):

BEGIN TEXT: "EXCELLENCY:

I HAVE THE HONOR TO REFER TO RECENT DISCUSSIONS WITH THE GOVERNMENT OF THE HELLENIC REPUBLIC CONCERNING THE CONDITIONS UNDER WHICH DEFENSE ARTICLES, TRAINING, AND SERVICES MAY BE FURNISHED ON A NON-REIMBURSABLE BASIS TO GREECE. I PROPOSE THAT THE FOLLOWING ARRANGEMENT APPLY TO THE PROVISIONS OF THESE DEFENSE ARTICLES, TRAINING OR SERVICES.

-- (1) ALL DEFENSE ARTICLES, TRAINING AND SERVICES FURNISHED TO THE GOVERNMENT OF THE HELLENIC REPUBLIC SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

-- (A) ANY MILITARY ASSISTANCE FURNISHED BY THE
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UNITED STATES WILL BE PROVIDED ON THE CONDITION THAT NO EQUIPMENT, MATERIEL, TRAINING OR SERVICES FURNISHED WILL BE USED TO UNDERTAKE ACTS OF AGGRESSION AGAINST ANY NATION.

-- (B) THE GOVERNMENT OF THE HELLENIC REPUBLIC WILL UTILIZE THE EQUIPMENT, MATERIEL, TRAINING AND SERVICES SOLELY (REMAINDER SAME AS DRAFT SENT REF (B)).

-- (C) THE GOVERNMENT OF THE HELLENIC REPUBLIC WILL ASSURE THE SAFEGUARDING AND THE SECURITY OF ANY ARTICLE, TRAINING, SERVICE OR TECHNICAL MILITARY INFORMATION FURNISHED BY THE UNITED STATES.

-- (D) THE TITLE TO OR POSSESSION OF ANY EQUIPMENT, MATERIEL, INFORMATION, TRAINING OR SERVICES FURNISHED WILL NOT BE TRANSFERRED (REMAINDER SAME AS TEXT REF (B)).

IF ANY EQUIPMENT, MATERIEL, TRAINING MATERIALS OR SERVICES ARE NO LONGER REQUIRED (REMAINDER OF PARA SAME AS TEXT REF (B)).

(SECTION 505(F) PROVISION UNAFFECTED.)

-- (2) WITH REGARD TO THE USE OF THESE ARTICLES,
TRAINING OR SERVICES (REMAINDER OF TEXT UNAFFECTED).

6. FOLLOWING INFORMATION RE NEW STATUTORY REQUIREMENT
IS PROVIDED TO ASSIST EMBASSY IN EXPLAINING NEED FOR
TEXTUAL REVISIONS TO GOG. TEXT OF AMENDED SECTION
505(A) READS AS FOLLOWS: QUOTE; (A) IN ADDITION TO
SUCH OTHER PROVISIONS AS THE PRESIDENT MAY REQUIRE,
NO DEFENSE ARTICLES OR RELATED TRAINING OR OTHER DE-
FENSE SERVICE SHALL BE FURNISHED TO ANY COUNTRY ON A
GRANT BASIS UNLESS IT SHALL HAVE AGREED THAT --

-- (1) IT WILL NOT, WITHOUT THE CONSENT OF THE
PRESIDENT --

(A) PERMIT ANY USE OF SUCH ARTICLES OR RELATED
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TRAINING OR OTHER DEFENSE SERVICE BY ANYONE NOT AN
OFFICER, EMPLOYEE, OR AGENT OF THAT COUNTRY,

(B) TRANSFER, OR PERMIT ANY OFFICER, EMPLOYEE,
OR AGENT OF THAT COUNTRY TO TRANSFER SUCH ARTICLES
OR RELATED TRAINING OR OTHER DEFENSE SERVICE BY GIFT,
SALE, OR OTHERWISE, OR

(C) USE OR PERMIT THE USE OF SUCH ARTICLES OR
RELATED TRAINING OR OTHER DEFENSE SERVICE FOR PURPOSES
OTHER THAN THOSE FOR WHICH FURNISHED;

-- (2) IT WILL MAINTAIN THE SECURITY OF SUCH ARTICLES
OR RELATED TRAINING OR OTHER DEFENSE SERVICE AND WILL
PROVIDE SUBSTANTIALLY THE SAME DEGREE OF SECURITY
PROTECTION AFFORDED TO SUCH ARTICLES OR RELATED TRAIN-
ING OR OTHER DEFENSE SERVICE BY THE UNITED STATES
GOVERNMENT;

-- (3) IT WILL, AS THE PRESIDENT MAY REQUIRE, PERMIT
CONTINUOUS OBSERVATION AND REVIEW BY, AND FURNISH

NECESSARY INFORMATION, TO REPRESENTATIVE OF THE
UNITED STATES GOVERNMENT WITH REGARD TO THE USE OF SUCH
ARTICLES OR RELATED TRAINING OR OTHER DEFENSE SERVICE
AND

-- (4) UNLESS THE PRESIDENT CONSENTS TO OTHER DIS-
POSITION, IT WILL RETURN TO THE UNITED STATES GOVERN-
MENT FOR SUCH USE OR DISPOSITION AS THE PRESIDENT CON-
SIDERS IN THE BEST INTERESTS OF THE UNITED STATES,
SUCH ARTICLES OR RELATED TRAINING OR OTHER DEFENSE

SERVICE WHICH ARE NO LONGER NEEDED FOR THE PURPOSES FOR WHICH FURNISHED. END QUOTE.

7. EMBASSY SHOULD NOTE FOLLOWING ABOUT THIS NEW REQUIREMENT:

A. IT IS A CONDITION OF ELIGIBILITY FOR THE FURNISHING ON A GRANT BASIS OF FURTHER MAP MATERIEL AND SERVICES, OR FURTHER TRAINING RELATED TO THE USE OF MAP CONFIDENTIAL

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OR FMS ORIGIN MATERIEL OR SERVICES UNDER THE NEW INTERNATIONAL MILITARY EDUCATION AND TRAINING CHAPTER OF THE FAA. IT DOES NOT AFFECT ELIGIBILITY FOR PURCHASE OF DEFENSE ARTICLES AND DEFENSE SERVICES UNDER FMS. (A SIMILAR NEW STATUTORY REQUIREMENT FOR FMS ELIGIBILITY WILL BE IMPLEMENTED SEPARATELY THROUGH AN AMENDMENT TO THE STANDARD FORM FMS CONTRACT.)

B. IT REQUIRES GOG AGREEMENT TO OBSERVE ABOVE DESCRIBED CONDITIONS WITH RESPECT TO TRAINING OR SERVICES RELATED TO US FURNISHED ARTICLES, NO MATTER WHEN SUCH ARTICLE, TRAINING, OR SERVICES WERE FURNISHED.

C. AS A CONDITION OF ELIGIBILITY, THIS NEW STATUTORY REQUIREMENT PRECLUDES USE OF APPROPRIATED FUNDS, UNTIL REQUISITE AGREEMENT IS OBTAINED, FOR NEW GRANTS OF MATERIEL AND SERVICES AND NEW EQUIPMENT-RELATED TRAINING. AS IN CASE OF SECTION 505(F), FAILURE TO OBTAIN GOG AGREEMENT WOULD RESULT IN LOSS OF AVAILABLE FUNDS AT END OF TRANSITION QUARTER.

D. NEW REQUIREMENT DOES NOT PROHIBIT TRAINING WHICH IS NOT RELATED TO US FURNISHED DEFENSE ARTICLES. ACCORDINGLY, OTHER FORMS OF TRAINING (E.G., ACADEMIC COURSES) COULD CONTINUE. NEVERTHELESS, IN IMPLEMENTING

THE STATUTE, IT WILL AVOID SEVERAL DIFFICULTIES AND POSSIBLE MISUNDERSTANDINGS IF WE AVOID DISTINCTION BETWEEN EQUIPMENT-RELATED TRAINING AND OTHER TRAINING. ACCORDINGLY, WE SEEK TO OBTAIN AGREEMENT THAT GOG WILL OBSERVE SAME CONDITIONS OF USE AND NON-TRANSFER FOR TRAINING AND SERVICES GENERALLY AS HAVE HERETOFORE BEEN REQUIRED BY US LAW FOR DEFENSE ARTICLES.

8. EMBASSY SHOULD ALSO BE AWARE THAT THE NEW LEGISLATION ALSO REQUIRES THAT 30 DAYS PRIOR TO CONSENT BY THE UNITED STATES GOVERNMENT TO ANY SUCH PROPOSED TRANSFER, A REPORT BE SUBMITTED TO THE CONGRESS LISTING THE NAME OF THE COUNTRY PROPOSING TO MAKE THE TRANSFER, A DESCRIPTION OF THE DEFENSE ARTICLE OR RELATED TRAINING OR DEFENSE SERVICE AND ITS ORIGINAL ACQUISITION

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COST, THE NAME OF THE PROPOSED RECIPIENT, THE REASONS FOR THE PROPOSED TRANSFER, AND THE DATE ON WHICH THE TRANSFER IS PROPOSED TO BE MADE. THIS WRITTEN CERTIFICATION WILL BE UNCLASSIFIED, WITH THE POSSIBLE EXCEPTION OF THE VALUE AND NUMBER OF DEFENSE ARTICLES, OR RELATED TRAINING OR OTHER DEFENSE SERVICES. KISSINGER

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